



Michigan Supreme Court
State Court Administrative Office
Trial Court Services Division
Michigan Hall of Justice
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March 22, 2007

MICHIGAN COURT FORMS COMMITTEE
Minutes of March 22, 2007 Meeting

Present: Hon. William C. Buhl, 36th Circuit Court, Chair
Lynn Ann Bullard, VanBuren County
Dan Ellis, Office of Child Support
Dan Fojtik, Attorney, 17th Circuit Court
Denise Stork, Office of Child Support
Johanna Peltier, Washtenaw County
Pam Sala, Oakland County
Amy Byrd, State Court Administrative Office (staff)
Angel Sorrels, State Court Administrative Office (staff)

Absent: Zenell Brown, 3rd Circuit Court
Dawn Childress, State Court Administrative Office
Janice K. Cunningham of Mallory, Cunningham, Lapka & Scott, PLLC

Meeting called to order, 10:00 a.m.

1. FOC 6, Enforcement Order

The Committee discussed the difference between item 7 and item 23 and indicated that both items should remain on the form. Item 7 is intended to meet the requirements of MCL 552.635, whereas, item 23 is less specific and does not require the court to making the findings in MCL 552.635. Members recommended that item 7 be reworded to reflect the statute as follows: "Participation in work activity . . ."

The Committee discussed the need for the language regarding the bench warrant and concluded that it can be helpful in that it places the parties on notice as to possible consequences of disregarding the order.

The form was approved as revised.

2. FOC 10b and 10c, Uniform Spousal Support Orders

Although no alternative drafts were provided for consideration, the Committee did make changes to the form. Members remarked that item 1 is very confusing. Once the purpose of the grid was determined, members suggested that two grids be provided.

On FOC 10b, the first grid will be for indicating the amount of support and will be preceded by "All spousal support shall be paid through the Michigan State Disbursement Unit and paid to the payee." The second grid will be for indicating the payments to be paid directly to third parties and will be preceded by "Payments payable to a third party which must be paid directly to or for the benefit of the third party are as follows. If an amount is payable . . . pay the expense." On FOC 10c, the first grid will be preceded by "All spousal support shall be paid to the payee." **Staff note:** The term "which" will be replaced by "that" in the language for the second grid on both forms. Also, a slight change was made to the design during typesetting; since the amount of support is only one line, a grid was not used.

Members pointed out that reference to the State Disbursement Unit should be changed to Michigan State Disbursement Unit in item 2, and the change was made on both FOC 10b and FOC 10c. The Committee declined to add MiSDU's address to the form because it would require change to the form if the address changes.

The Committee acknowledged other changes to spelling and proper hyphenation in item 6 and the Certificate of Mailing on both FOC 10b and FOC 10c.

The form was approved as revised.

3. FOC 14, Bench Warrant

The Committee decided the field for driver's license number should be removed. However, members did not want to remove the memorandum copy that is put in the file.

The form was approved as revised, including a change to the return made by staff for purposes of accuracy in sentence structure.

4. FOC 19, Motion and Order to Show Cause for Contempt (Custody/Parenting Time)

The Committee discussed Oakland County's request to require both parties to appear at a contempt hearing for parenting time. Although members agreed the complaining party should be present, the court cannot order that person to attend. Instead, members suggested that another item be added to make it clear to the complaining party that his/her absence can result in dismissal of the action. A new item 7 was added as follows: If the complaining party fails to appear, the contempt proceeding may be dismissed." Old item 7 was renumbered item 8.

The form was approved as revised, including a change in item 5 and the Certificate of Mailing made by staff for purposes of accuracy in sentence structure and proper hyphenation.

5. FOC 22b, Employment Status Disclosure

The Committee agreed with the suggested change to the last sentence of the instruction. The following was approved: "If you received a notice, please note that MCL 552.611 through MCL 552.614 required you to honor the notice."

The form was approved as revised.

6. Motion and Order to Take Minor Children Out of the Country

The Committee agreed to develop new forms for use by pro se litigants to temporarily take minor children out of the country. Members discussed whether to include requests for change of domicile, but decided to limit the use of the form. Also, members didn't think an order was necessary to travel from one state to another and that the purpose of this form is only so that the parent can travel to another country for a temporary purposes when a passport is not enough for authorities.

To make a distinction between removal for change of domicile versus temporary removal for travel out of the country, members suggested the title of the motion be changed to "Motion to Permit Foreign Travel" and the order be changed to "Order Regarding Foreign Travel." Since it isn't relevant whether a party is a payee, the address boxes were changed to identify the moving party.

The motion was changed as follows:

"I request: 1. An order permitting me to take the following child(ren) out of Michigan to _____ for purposes of _____. (specify name(s) and date(s) of birth of child(ren)

___ Authority to apply for a passport for the minor child(ren) named above.

2. Other:

I declare that the statements above are true to the best of my information, knowledge, and belief."

A standard notice of hearing and certificate of mailing will be added to the motion.

The Committee discussed the findings on the order and after considering a number of options, decided didn't need to be made in writing.

The order was changed as follows:

"Date of Hearing: _____ Judge/Referee: _____

___ 1. The motion is denied.

___ 2. _____ is permitted to take the following child(ren) out of Michigan to _____ for purposes of _____.
(specify name(s) and date(s) of birth of child(ren)

___ Authority to apply for passport(s) for the minor child(ren) named above is granted."

A standard certificate of mailing will be added to the order.

The forms were approved as revised.

7. Request for Military Service Adjustment to Child Support Obligation

After considerable discussion, the Committee concluded that a form should not be developed for requesting a military service adjustment pursuant to 2006 PA 485, effective December 29, 2006. Members agreed that MiCSES would require a change because the underlying support order should remain unchanged and temporary adjustments made based solely on the documentation received with the request.

8. Date Field on Motions

The Committee discussed the suggestion that the date field appearing across from the signature line on a motion form is unnecessary and can be removed. Although there is no statutory or court rule requirement that a motion be dated when it is signed, members indicated that it provides a point of reference and should be left on the forms. There might be some benefit to removing the date field from the motions completed by the friends, but the Committee declined to make any changes.

9. Parenting Time Motion and Order to Allow Parent to a Custody Proceeding to Request Specific Parenting Time

The Committee reviewed Dan Diebolt's email requesting development of a motion form for specific parenting time and responded that the current forms already provide for this.

10. Makeup Parenting Time

The Committee reviewed Doug Dante's email requesting development of a form to request the makeup parenting time policy and other information regarding guidelines and procedures. Members responded that the Committee develops and revises forms used for court proceedings, not forms for requesting policy, procedural, and other operations information. Most of this information is publicly available in Michigan Court Rules, Michigan statutes, and other similar publications.

11. Uniform Child Support Order

Also discussed by the Committee, but not on the agenda, was an email exchange with Keith Heiber of Lapeer, Michigan regarding the interpretation of MCL 552.605b. The Committee responded that the language on the form is an appropriate interpretation of the law.

Meeting adjourned, 1:00 p.m.

Respectfully submitted,

Amy L. Byrd